

Senate File 152 - Introduced

SENATE FILE _____
BY COMMITTEE ON HUMAN RESOURCES
(SUCCESSOR TO SSB 1104)

Passed Senate, Date _____ Passed House, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act relating to administrative and planning requirements
2 involving children for whom the department of human services
3 has responsibility under state or federal law.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
5 TLSB 1467SV 83
6 jp/nh/5

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1 1 DIVISION I
1 2 TRANSITION PLANNING
1 3 Section 1. Section 232.2, subsection 4, paragraph f, Code
1 4 2009, is amended to read as follows:
1 5 f. (1) When a child is sixteen years of age or older, a
1 6 written transition plan of services which, based upon an
1 7 assessment of the child's needs, would assist the child in
1 8 preparing for the transition from foster care to adulthood.
1 9 The ~~written transition plan of services~~ and needs assessment
1 10 shall be developed with a focus on the services, other
1 11 support, and actions necessary to facilitate the child's
1 12 successful entry into adulthood. The transition plan shall be
1 13 personalized at the direction of the child and shall be
1 14 developed with the child present, honoring the goals and
1 15 concerns of the child, and shall address the following areas
1 16 of need when the child becomes an adult, including but not
1 17 limited to all of the following:
1 18 (a) Education.
1 19 (b) Employment services and other workforce support.
1 20 (c) Health and health care coverage.
1 21 (d) Housing.
1 22 (e) Relationships, including local opportunities to have a
1 23 mentor.
1 24 (f) If the needs assessment indicates the child is
1 25 reasonably likely to need or be eligible for services or other
1 26 support from the adult service system upon reaching age
1 27 eighteen, the transition plan shall provide for the child's
1 28 application for adult services.
1 29 (2) The transition plan shall be considered a working
1 30 document and shall be reviewed and updated for each permanency
1 31 hearing by the court or other formal case permanency plan
1 32 review. The transition plan shall also be reviewed and
1 33 updated during the ninety calendar-day period preceding the
1 34 child's eighteenth birthday and during the ninety calendar-day
1 35 period immediately preceding the date the child is expected to
2 1 exit foster care, if the child remains in foster care after
2 2 the child's eighteenth birthday. The transition plan may be
2 3 reviewed and updated more frequently.
2 4 (3) The transition plan shall be developed and reviewed by
2 5 the department in collaboration with a child-centered
2 6 transition team. The transition team shall be comprised of
2 7 the child's caseworker and persons selected by the child,
2 8 persons who have knowledge of services available to the child,
2 9 and any person who may reasonably be expected to be a service
2 10 provider for the child when the child becomes an adult or to
2 11 become responsible for the costs of services at that time,
2 12 including. If the child is reasonably likely to need or be
2 13 eligible for adult services, the transition team membership
2 14 shall include representatives from the adult services system.
2 15 The adult services system representatives may include but are

2 16 not limited to the administrator of county general relief
2 17 under chapter 251 or 252 or of the central point of
2 18 coordination process implemented under section 331.440. The
2 19 membership of the transition team and the meeting dates for
2 20 the team shall be documented in the transition plan.

2 21 (4) The final transition plan shall specifically identify
2 22 how the need for housing will be addressed.

2 23 (5) If the child is interested in pursuing higher
2 24 education, the transition plan shall provide for the child's
2 25 participation in the college student aid commission's program
2 26 of assistance in applying for federal and state aid under
2 27 section 261.2.

2 28 ~~(2)~~ (6) If the needs assessment indicates the child is
2 29 reasonably likely to need or be eligible for services or other
2 30 support from the adult service system upon reaching age
2 31 eighteen, the transition plan shall be reviewed and approved
2 32 by the transition committee for the area in which the child
2 33 resides, in accordance with section 235.7, before the child
2 34 reaches age seventeen and one-half. The transition
2 35 committee's review and approval shall be indicated in the case
3 1 permanency plan.

3 2 ~~(3)~~ (7) Provision for the department or a designee of the
3 3 department on or before the date the child reaches age
3 4 eighteen to provide to the child a certified copy of the
3 5 child's birth certificate and to facilitate securing a federal
3 6 social security card. The fee for the certified copy that is
3 7 otherwise chargeable under section 144.13A, 144.46, or 331.605
3 8 shall be waived by the state or county registrar.

3 9 DIVISION II

3 10 EDUCATION-RELATED REQUIREMENTS, RELATIVE 3 11 PLACEMENT, AND SIBLING CONSIDERATIONS

3 12 Sec. 2. Section 232.2, subsection 4, Code 2009, is amended
3 13 by adding the following new paragraph:

3 14 NEW PARAGRAPH. m. Documentation of the educational
3 15 stability of the child while in foster care. The
3 16 documentation shall include but is not limited to all of the
3 17 following:

3 18 (1) Evidence there was an evaluation of the
3 19 appropriateness of the child's educational setting while in
3 20 placement and of the setting's proximity to the educational
3 21 setting in which the child was enrolled at the time of
3 22 placement.

3 23 (2) An assurance either that the department coordinated
3 24 with appropriate local educational agencies to identify how
3 25 the child could remain in the educational setting in which the
3 26 child was enrolled at the time of placement or, if it was
3 27 determined it was not in the child's best interest to remain
3 28 in that setting, that the affected educational agencies would
3 29 immediately and appropriately enroll the child in another
3 30 educational setting during the child's placement and ensure
3 31 that the child's educational records were provided for use in
3 32 the new educational setting. For the purposes of this
3 33 subparagraph, "local educational agencies" means the same as
3 34 defined in the federal Elementary and Secondary Education Act
3 35 of 1965, section 9101, as codified in 20 U.S.C. section
4 1 7801(26).

4 2 Sec. 3. NEW SECTION. 232.84 TRANSFER OF CUSTODY ==
4 3 NOTICE TO ADULT RELATIVES.

4 4 1. For the purposes of this section, unless the context
4 5 otherwise requires, "agency" means the department, juvenile
4 6 court services, or a private agency.

4 7 2. Within thirty days after the entry of an order under
4 8 this chapter transferring custody of a child to an agency for
4 9 placement, the agency shall exercise due diligence in
4 10 identifying and providing notice to the child's grandparents,
4 11 aunts, uncles, adult siblings, and adult relatives suggested
4 12 by the child's parents, subject to exceptions due to the
4 13 presence of family or domestic violence.

4 14 3. The notice content shall include but is not limited to
4 15 all of the following:

4 16 a. A statement that the child has been or is being removed
4 17 from the custody of the child's parent or parents.

4 18 b. An explanation of the options the relative has under
4 19 federal, state, and other law to participate in the care and
4 20 placement of the child on a temporary or permanent basis. The
4 21 options addressed shall include but are not limited to
4 22 assistance and support options, options for participating in
4 23 legal proceedings, and any options that may be lost by failure
4 24 to respond to the notice.

4 25 c. A description of the requirements for the relative to
4 26 serve as a foster family home provider or other type of care

4 27 provider for the child and the additional services, training,
4 28 and other support available for children receiving such care.

4 29 d. Information concerning the option to apply for kinship
4 30 guardianship assistance payments.

4 31 Sec. 4. NEW SECTION. 234.4 EDUCATION OF CHILDREN IN
4 32 DEPARTMENTAL PROGRAMS.

4 33 If the department of human services has custody or has
4 34 other responsibility for a child based upon the child's
4 35 involvement in a departmental program involving foster care,
5 1 preadoption or adoption, or subsidized guardianship placement
5 2 and the child is subject to the compulsory attendance law
5 3 under chapter 299, the department shall fulfill the
5 4 responsibilities outlined in section 299.1 and other
5 5 responsibilities under federal and state law regarding the
5 6 child's school attendance. As part of fulfilling the
5 7 responsibilities described in this section, if the department
5 8 has custody or other responsibility for placement and care of
5 9 a child and the child transfers to a different school during
5 10 or immediately preceding the period of custody or other
5 11 responsibility, within the first six weeks of the transfer
5 12 date the department shall assess the student's degree of
5 13 success in adjusting to the different school.

5 14 Sec. 5. NEW SECTION. 280.29 ENROLLMENT OF CHILDREN IN
5 15 FOSTER CARE == TRANSFER OF EDUCATIONAL RECORDS.

5 16 In order to facilitate the educational stability of
5 17 children in foster care, a school district, upon notification
5 18 by an agency of the state that a child in foster care is
5 19 transferring into the school district, shall provide for the
5 20 immediate and appropriate enrollment of the child. A school
5 21 district or an accredited nonpublic school, upon notification
5 22 by an agency of the state that a child in foster care is
5 23 transferring from the school district or accredited nonpublic
5 24 school to another school district or accredited nonpublic
5 25 school, shall promptly provide for the transfer of all of the
5 26 educational records of the child not later than five school
5 27 days after receiving the notification.

5 28 Sec. 6. Section 282.1, subsection 3, Code 2009, is amended
5 29 to read as follows:

5 30 3. Lives in a juvenile detention center, ~~foster care~~
5 31 ~~facility,~~ or residential facility in the district.

5 32 Sec. 7. Section 282.19, Code 2009, is amended to read as
5 33 follows:

5 34 282.19 CHILD LIVING IN FOSTER CARE FACILITY.

5 35 1. A child who is living in a licensed child foster care
6 1 facility as defined in section 237.1, or in a facility that
6 2 provides residential treatment as "facility" is defined in
6 3 section 125.2, which is located in a school district other
6 4 than the school district in which the child resided before
6 5 receiving foster care may enroll in and attend an accredited
6 6 school in the school district in which the child is living.

6 7 2. A child who is living in a licensed child foster care
6 8 facility, as defined in section 237.1, or in an unlicensed
6 9 child foster care placement, which is located in a school
6 10 district other than the school district in which the child
6 11 resided prior to receiving foster care may enroll in and
6 12 attend an accredited school in the school district in which
6 13 the child is residing unless a juvenile court orders or a
6 14 public or private agency of this state that has responsibility
6 15 for the child's placement recommends that the child continue
6 16 attending school in the child's prior school district.

6 17 3. The instructional costs for students who do not require
6 18 special education shall be paid as provided in section 282.31,
6 19 subsection 1, paragraph "b" or for students who require
6 20 special education shall be paid as provided in section 282.31,
6 21 subsections 2 or 3.

6 22 Sec. 8. Section 282.31, subsection 1, paragraph b,
6 23 subparagraph (1), Code 2009, is amended to read as follows:

6 24 (1) A child who lives in a facility, ~~or home, or other~~
6 25 placement pursuant to section 282.19, and who does not require
6 26 special education and who is not enrolled in the educational
6 27 program of the district of residence of the child, shall be
6 28 included in the basic enrollment of the school district in
6 29 which the facility, ~~or home, or other placement~~ is located.

6 30 Sec. 9. Section 282.31, subsection 2, paragraph a, Code
6 31 2009, is amended to read as follows:

6 32 a. The actual special education instructional costs
6 33 incurred for a child who lives in a facility, home, or other
6 34 placement pursuant to section 282.19 or for a child who is
6 35 placed in a facility or home pursuant to section 282.29, who
7 1 requires special education and who is not enrolled in the
7 2 educational program of the district of residence of the child

7 3 but who receives an educational program from the district in
7 4 which the facility, ~~or~~ home, or other placement is located,
7 5 shall be paid by the district of residence of the child to the
7 6 district in which the facility, ~~or~~ home, or other placement is
7 7 located, and the costs shall include the cost of
7 8 transportation.

7 9 EXPLANATION

7 10 This bill relates to administrative and planning
7 11 requirements involving children for whom the department of
7 12 human services has responsibility under state or federal law.
7 13 The bill is organized into divisions.

7 14 TRANSITION PLANNING. This division of the bill revises
7 15 transition planning required of the department of human
7 16 services for older children in foster care who are age 16 or
7 17 older and approaching adulthood.

7 18 Current law in Code section 232.2 provides for development
7 19 of a transition plan and needs assessment for such children as
7 20 part of the case permanency plan that is required for each
7 21 child who is subject to a court order transferring custody of
7 22 the child to the department of human services or other agency
7 23 for placement. The transition plans are subject to the
7 24 approval of local transition committees the department is
7 25 required to establish under Code section 235.7.

7 26 The department is required to develop the transition plan
7 27 with the child present in collaboration with a child-centered
7 28 team. The team membership is required to include persons
7 29 selected by the child, persons who have knowledge of the
7 30 services available to the child, and persons who may become
7 31 service providers or become responsible for the costs of the
7 32 services when the child becomes an adult, including certain
7 33 persons involved with the adult services system.

7 34 The transition plan is required to address housing and
7 35 various other areas of need when the child becomes an adult.
8 1 The transition plan is considered to be a working document and
8 2 is required to be reviewed and updated for each permanency
8 3 hearing by the court or other formal case permanency plan
8 4 review and during the 90 calendar-day period preceding the
8 5 child's eighteenth birthday and during the period preceding
8 6 the date the child is expected to exit foster care if that
8 7 occurs after the child's eighteenth birthday, and may be
8 8 reviewed and updated more frequently.

8 9 EDUCATION-RELATED REQUIREMENTS, RELATIVE PLACEMENT, AND
8 10 SIBLING CONSIDERATIONS. This division addresses
8 11 education-related requirements, relative placement, and
8 12 sibling considerations involving placements.

8 13 The definition of case permanency plan in Code section
8 14 232.2 is expanded to require documentation of the educational
8 15 stability of a child and of the educational setting the child
8 16 attends while in placement. These plans are federally
8 17 required and are regularly reviewed by the court while a child
8 18 is in an out-of-home placement.

8 19 New Code section 232.84, requires the department of human
8 20 services, juvenile court services, or other agency placing a
8 21 child to provide a notification to the child's relatives when
8 22 legal custody has been transferred to the department. The
8 23 notice requirement has an exception when family or domestic
8 24 violence is present. The requirement is for providing notice
8 25 within 30 days of entry of the custody transfer order and
8 26 extends to the child's close relatives, such as grandparents,
8 27 aunts, and uncles, and to relatives identified by the child's
8 28 parent. The notice has various required elements including an
8 29 explanation of the options available for the relative to
8 30 participate in the care of the child and to receive financial
8 31 and program assistance for doing so.

8 32 New Code section 234.4 requires the department of human
8 33 services to fulfill the responsibilities outlined in Code
8 34 section 299.1 when a child is subject to the compulsory school
8 35 attendance law and the department has custody or has other
9 1 responsibility based upon the child's involvement in a
9 2 departmental program involving foster care, preadoption or
9 3 adoption, or subsidized guardianship placement. Subject to
9 4 certain exceptions outlined in Code sections 299.2 and 299.5,
9 5 a parent, guardian, or legal or actual custodian of a child
9 6 who is of compulsory attendance age is required to cause the
9 7 child to attend a public school, an accredited nonpublic
9 8 school, or competent private instruction, during a school
9 9 year. The exceptions to the attendance requirement in Code
9 10 section 299.2 involve the child's graduation or equivalent,
9 11 excuse by a court or judge, the child's membership in certain
9 12 religious denominations, excuse for certain children who are
9 13 blind or deaf, and the child's attendance at an accredited

9 14 private college preparatory school. The Code section 299.5
9 15 exception involves proof that the child has a physical or
9 16 mental inability to attend school, or that the child's
9 17 presence in school would be injurious to the health of other
9 18 pupils.

9 19 New Code section 280.29 provides directives to school
9 20 districts and nonpublic schools that apply when a child in
9 21 foster care is transferring to or from a school district. If
9 22 a child is transferring into a school district, the school
9 23 district is required to provide immediate and appropriate
9 24 enrollment of the child. The school district or nonpublic
9 25 school from which the child is transferring is required to
9 26 transfer the child's educational records within five school
9 27 days of being notified of the transfer.

9 28 Code chapter 282, relating to school attendance and
9 29 tuition, is amended.

9 30 Code section 282.1, relating to school age and charging of
9 31 tuition to nonresidents of a school district, is amended to
9 32 remove a child living in a foster care facility from a
9 33 definition of the term "resident".

9 34 Code section 282.19, relating to requirements for when a
9 35 child is living in a foster care facility, is amended to

10 1 distinguish between the requirements for a child in a
10 2 substance abuse treatment facility, hospital, or state mental
10 3 health institute and the requirements for a child living in a
10 4 foster care facility or an unlicensed foster care placement.
10 5 The bill provides that a child in a foster care placement may
10 6 enroll in a school within the school district where the
10 7 placement is located unless a court order provides for or the
10 8 placement agency recommends that the child continue attending
10 9 school in the child's prior school district.

10 10 Code section 282.31, relating to funding for special
10 11 programs, is amended to include a reference to the children in
10 12 an unlicensed foster care placement to conform with the
10 13 inclusion of such placements in the bill's amendment to Code
10 14 section 282.19.

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